

Date: 20050823

File: 572-8-74

Citation: 2005 PSLRB 109



*Public Service
Labour Relations Act*

Before the Public Service
Labour Relations Board

BETWEEN

NATIONAL FILM BOARD

Applicant

and

SYNDICAT GÉNÉRAL DU CINÉMA ET DE LA TÉLÉVISION (CSN)

Respondent

Indexed as

National Film Board v. Syndicat général du cinéma et de la télévision (CSN)

In the matter of an application, under subsection 71(1) of the *Public Service Labour Relations Act*, for a declaration that a position is a managerial or confidential position

REASONS FOR DECISION

Before: Yvon Tarte, Chairperson

For the Applicant: Linda Smith, National Film Board

(Decided without an oral hearing)
P.S.L.R.B. Translation

Application before the Board

[1] This decision deals with a position that has been identified as managerial or confidential by the National Film Board (the “employer”) pursuant to section 5.2 of the *Public Service Staff Relations Act* (the “former Act”).

[2] In *Syndicat général du cinéma et de la télévision (C.S.N.) v. National Film Board and Public Service Alliance of Canada*, PSSRB File No. 143-8-45 (June 13, 1968), the Board certified the Syndicat général du cinéma et de la télévision (C.S.N.) (the “bargaining agent”) as the bargaining agent for the following bargaining unit (the “bargaining unit”):

all employees of the Employer in the technical category.

[3] On April 1, 2005, the *Public Service Labour Relations Act* (the “new Act”), enacted by section 2 of the *Public Service Modernization Act (PSMA)*, S.C. 2003, c. 22, was proclaimed in force. Pursuant to subsection 48(1) of the *PSMA*, the bargaining agent continues to be certified as the bargaining agent for the bargaining unit.

[4] On June 13, 2005, the employer notified the Board and the bargaining agent of the identification of a position in the bargaining unit as managerial or confidential pursuant to the former *Act*. That position is listed in the annex to this decision. This matter will be dealt with as if it were an application under section 71 of the new *Act*, on the grounds listed in the annex to this decision.

[5] Under subsection 34(1) of the *Public Service Labour Relations Board Regulations*, the bargaining agent had 20 days from the receipt of a copy of the application to file an objection with the Board. More than 20 days have elapsed, without the bargaining agent having filed any objection to the application.

[6] Since no objections to the employer’s application have been filed, the Board must make, pursuant to section 75 of the new *Act*, an order declaring the position listed in the annex to this decision to be a managerial or confidential position.

[7] For all of the above reasons, the Board makes the following order:

(The Order appears on the next page)

Order

[8] The position identified in the annex to this decision is declared to be a managerial or confidential position.

August 23, 2005.

**Yvon Tarte,
Chairperson**

P.S.L.R.B. Translation